



Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

2016 asp 14

PART 1

TOBACCO, NICOTINE VAPOUR PRODUCTS AND SMOKING

CHAPTER 1

SALE AND PURCHASE OF TOBACCO AND NICOTINE VAPOUR PRODUCTS

Nicotine vapour products

1 Nicotine vapour products

After section 35 of the 2010 Act insert—

“35A Meaning of “nicotine vapour product”

- (1) In this Part, a “nicotine vapour product” is—
- (a) a device which is intended to enable the inhalation of nicotine-containing vapour by an individual,
 - (b) a device which is intended to enable the inhalation of other vapour by an individual but is intended to resemble and be operated in a similar way to a device within paragraph (a),
 - (c) an item which is intended to form part of a device within paragraph (a) or (b),
 - (d) a substance which is intended to be vaporised by a device within paragraph (a) or (b) (and any item containing such a substance).
- (2) But the following are not nicotine vapour products—
- (a) a tobacco product,
 - (b) a smoking related product,

Status: *This is the original version (as it was originally enacted).*

- (c) a medicinal product (within the meaning of the Human Medicines Regulations 2012 ([S.I. 2012/1916](#))),
- (d) a medical device (within the meaning of the Medical Devices Regulations 2002 ([S.I. 2002/618](#))).”.